

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JULIAN GUTIERREZ-PONCE,

Defendant.

Case No. CR20-036RSL

ORDER GRANTING JOINT
MOTION TO CONTINUE
TRIAL

This matter comes before the Court on the parties' "Joint Motion to Continue Trial Date and Pretrial Motions Deadline." Dkt. # 75. Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver, Dkt. # 76, the Court finds as follows:

1. The Court adopts the facts set forth in the joint motion: specifically, that former defense counsel withdrew last month, that present defense counsel does not yet have discovery in the case, that the government is in the process of producing discovery, and that defense counsel will need to meet with defendant after review of discovery regarding how to proceed in this matter. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

ORDER GRANTING JOINT
MOTION TO CONTINUE TRIAL - 1

1 2. The Court finds that a failure to grant a continuance would likely result in a
2 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

3 3. The Court finds that the additional time requested between May 24, 2021 and the
4 proposed trial date of October 18, 2021, is a reasonable period of delay. The Court finds that this
5 additional time is necessary to provide defense counsel reasonable time to prepare for trial,
6 considering all the facts set forth above.

7 4. The Court further finds that this continuance would serve the ends of justice, and
8 that these factors outweigh the best interests of the public and defendant in a speedier trial,
9 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

10 5. Defendant has signed a waiver indicating that he has been advised of his right to a
11 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
12 that right and consented to the continuation of his trial to November 30, 2021, which will permit
13 his trial to start on October 18, 2021. Dkt. # 76.

14 IT IS HEREBY ORDERED that the trial date shall be continued from May 24, 2021 to
15 October 18, 2021, and pretrial motions are to be filed no later than September 6, 2021;

16 IT IS FURTHER ORDERED that the period of time from the current trial date of May
17 24, 2021, up to and including the new trial date, shall be excludable time pursuant to the Speedy
18 Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and granting of
19 this motion is excluded for speedy trial purposes pursuant to 18 U.S.C. §§ 3161(h)(1)(D),
20 (h)(7)(A), and (h)(7)(B).

21 DATED this 12th day of April, 2021.

22
23
24
25
26 

27 Robert S. Lasnik
28 United States District Judge